

THOMAS E. FRANKOVICH (State Bar No. 074414)  
THOMAS E. FRANKOVICH,  
A Professional Law Corporation  
4328 Redwood Hwy., Suite 300  
San Rafael, CA 94903  
Telephone: 415/674-8600  
Facsimile: 415/674-9900

Attorneys for Plaintiffs  
DAREN HEATHERLY and IRMA RAMIREZ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAREN HEATHERLY and IRMA RAMIREZ,  
Plaintiffs,

v.

MARISCO'S LA JAIBA; XU TRUONG and  
AHN HOANG, TRUSTEES OF THE  
TRUONG/HOANG FAMILY TRUST, U.D.T.  
dated March 18, 1997; and MIGUEL PELAYO  
MONTIEL, an individual dba MARISCO'S LA  
JAIBA,

Defendants.

Case No.: CV 11-1069 MEJ

Unlimited Civil Matter

**STIPULATION EXTENDING TIME FOR  
DEFENDANT XU TRUONG and ANH  
HOANG, TRUSTEES OF THE  
TRUONG/HOANG FAMILY TRUST TO  
RESPOND TO PLAINTIFFS'  
COMPLAINT AND EXTENDING DATES  
IN SCHEDULING ORDER; AND  
~~[PROPOSED]~~ ORDER THEREON**

Plaintiffs DARREN HEATHERLY AND IRMA RAMIREZ (hereinafter "Plaintiffs") and  
Defendants MARISCO'S LA JAIBA (hereinafter "Marisco's"); XU TRUONG and ANH HOANG  
(erroneously sued herein as AHN HOANG), TRUSTEES OF THE TRUONG/HOANG FAMILY  
TRUST, U.D.T. dated March 18, 1997 (hereinafter "Defendant Truong"); and MIGUEL PELAYO  
MONTIEL, an individual dba MARISCO'S LA JAIBA (hereinafter "Montiel"), by and through their  
respective counsel, respectfully request to make the following stipulation:

1. WHEREAS, all Defendants have been served with the Summons and Complaint; and
2. WHEREAS, Defendants Marisco's and Montiel have filed an Answer to the  
Complaint; and

1           3.       WHEREAS, pursuant to a prior Stipulation of the parties, the Court on June 6, 2011  
2 entered an Order extending for 30 days the dates in the Scheduling Order. The Court's June 6, 2011  
3 Order extended the dates in the Scheduling Order as follows:

4           Defendant Truong's response to the Complaint due July 7, 2011.

5           Parties to complete Initial Disclosures by July 8, 2011.

6           Parties to hold a joint inspection of the premises by July 15, 2011.

7           Parties to meet and confer in person to discuss settlement by July 25, 2011.

8           Plaintiff's file "Notice of Need for Mediation" by August 29, 2011.

9           4.       WHEREAS, on July 5, 2011, Defendant Truong made a written settlement offer to  
10 Plaintiffs. Plaintiffs are currently considering Defendant Truong's settlement offer.

11           5.       WHEREAS, the parties are actively attempting to negotiate a settlement in the above-  
12 referenced case, and wish to reduce fees, costs and litigation expenses in doing so.

13           6.       WHEREAS, the parties believe it would be in the interests of efficiency and economy  
14 to extend the time for Defendant Truong to respond to Plaintiff's Complaint and to further extend for  
15 one week the dates in the June 6, 2011 Order.

16           IT IS STIPULATED that:

17           1.       Defendant Truong will have up to and including July 14, 2011 to respond to the  
18 Complaint;

19           2.       The parties will complete initial disclosures by July 15, 2011;

20           3.       The parties will hold a joint inspection of the premises by July 22, 2011;

21           4.       The last day for the parties to meet and confer in person to discuss settlement is  
22 August 1, 2011;

23           5.       The last day for Plaintiffs to file "Notice of Need for Mediation" is September 6, 2011  
24 (because September 5, 2011 is a Court holiday).

25 DATED: July 7, 2011

THOMAS E. FRANKOVICH,  
A Professional Law Corporation  
Attorneys for Plaintiffs  
DAREN HEATHERLY and IRMA RAMIREZ

By:           /s/ Thomas E. Frankovich            
Thomas E. Frankovich

1 DATED: July 7, 2011

AARON & WILSON, LLP  
Attorneys for Defendants  
MARISCO'S LA JAIBA; MIGUEL PELAYO  
MONTIEL, an individual dba MARISCO'S LA  
JAIBA

4 By: /s/ Robert S. Aaron  
Robert S. Aaron

6 DATED: July 7, 2011

HATCHER & RUNDEL  
Attorneys for Defendants  
MARISCO'S LA JAIBA; MIGUEL PELAYO  
MONTIEL, an individual dba MARISCO'S LA  
JAIBA

9 By: /s/ William W. Hatcher, Jr.  
William W. Hatcher, Jr.

11 DATED: July 7, 2011

SPAULDING McCULLOUGH & TANSIL LLP  
Attorneys for Defendants  
XU TRUONG and ANH HOANG, Trustees of the  
TRUONG/HOANG FAMILY TRUST, U.D.T. dated  
March 18, 1997 (erroneously sued herein as AHN  
HOANG)

15 By: /s/ Mary P. Derner  
Mary P. Derner

18 **ORDER**

19 IT IS SO ORDERED that Defendant Truong will have up to and including July 14, 2011 to  
20 respond to the Complaint.


21 IT IS FURTHER ORDERED that the parties will complete initial disclosures by July 15,  
22 2011;

23 IT IS FURTHER ORDERED that the parties will hold a joint inspection of the premises by  
24 July 22, 2011.

25 IT IS FURTHER ORDERED that the last day for the parties to meet and confer in person to  
26 discuss settlement is August 1, 2011;

1 IT IS FURTHER ORDERED that the last day for Plaintiffs to file "Notice of Need for  
2 Mediation" is September 6, 2011.

3 Dated: July 11, 2011

  
4 THE HONORABLE MARIA-ELENA JAMES  
United States Magistrate Judge